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OFFICE OF PETITIONS

In re Application of :
Jeffrey G. Cherny, et al. :
Application No. 10/784,626 :
Filed: February 23, 2004 :
Attorney Docket No. 00AB070A / ALBRP175USA :

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b) to revive the above-identified application, filed May 19, 2008.

The petition is **GRANTED**.

The application became abandoned for failure s to timely pay the issue and publication fees on or before February 14, 2007, as required by the Notice of Allowance and Fee(s) Due, mailed November 14, 2006. A Notice of Abandonment was mailed on March 19, 2007. On May 19, 2008, the present petition was filed.

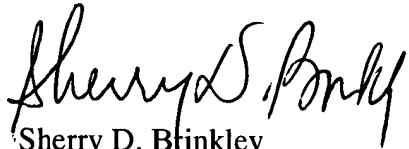
There is no indication that the person signing the instant petition was ever given a power of attorney or authorization of agent to prosecute the above-identified application. However, the signature of Himanshu S. Amin appearing on the petition shall constitute a representation to the United States Patent and Trademark Office that he is authorized to represent the particular party on whose behalf he acts in accordance with 37 CFR 1.34(a). A courtesy copy of this decision is being mailed to petitioner; but, if Mr. Amin desires to receive future correspondence regarding this application, the appropriate power of attorney or authorization of agent must be submitted. All future correspondence regarding this application file will be directed solely to the address of record.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of the \$1,440 issue and \$300 publication fee; (2) the petition fee of \$1,540; and (3) an adequate statement of unintentional delay¹.

The application is being referred to the Office of Data Management to be processed into a patent.

¹ 37 CFR 1.137(b)(3) requires a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. While the statement of unintentional delay is not made by an attorney of record, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and *Changes to Patent Practice and Procedure*; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

Telephone inquiries related to this decision should be directed to the undersigned at (571) 272-3204. Telephone inquiries related to processing as a patent should be directed to (571) 272-4200.

A handwritten signature in black ink, appearing to read "Sherry D. Brinkley". The signature is fluid and cursive, with the first name "Sherry" being more prominent.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

cc: HIMANSHU S. AMIN
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